

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MPUTU MATHIEU NDIBU,

Petitioner,

v.

ERIC HOLDER, et al.,

Respondents.

)
)
)
)
)
)
)
)
)
)

**Civil Action Number
2:11-cv-01934-RDP-JEO**

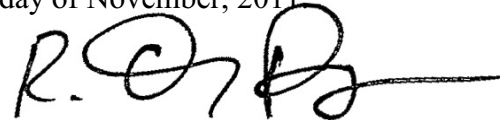
MEMORANDUM OPINION

On June 7, 2011, Petitioner Mputu Mathieu Ndibu filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his detention pending removal to the Democratic Republic of Congo. (Doc. #1).

On November 21, 2011, Respondents moved to dismiss the petition as moot because the United States Immigration and Customs Enforcement ("ICE") released Ndibu from its custody on August 16, 2011. (Doc. #11). In support, Respondents submitted a declaration of Gerald Smith, the Assistant Field Office Director of the ICE facility in Gadsden, Alabama, stating that ICE had released Ndibu from its custody pursuant to an Order of Supervision. (Doc. #11-1).

Because it is evident that Ndibu is no longer in custody, his petition for a writ of habeas corpus is due to be dismissed as moot. An appropriate order will be entered.

DONE and ORDERED this 29th day of November, 2011



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE